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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,058	09/26/2003	Hans-Juergen Hoegener	521.1033	7138

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EXAMINER
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PAPE, ZACHARY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,058

Applicant(s)

HOEGENER ET AL.

Examiner

Zachary M. Pape

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/26/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 15 is/are rejected.
- 7) ☒ Claim(s) 1, 3-14, 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/26/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show element 20f (slit-shaped sensor) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 3, and 6 objected to because of the following informalities: in claim 1, line 8 the phrase "at least one" is incorrect and appears it should be changed to "the at least one". Additionally in claim 3, line 2 the phrase, "the housing is a" is incorrect and appears it should be changed to "the housing in a". Finally in claim 6, line 2 the phrase, "wherein a first" is incorrect and appears it should be changed to "wherein the first".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-3, 6 rejected under 35 U.S.C. 102(b) as being anticipated by Ooka et al. (Patent # 5,784,253 – Figures 5, 9, and 11). With respect to claim 1 Ooka et al. teaches the use of a modular electrical device combination comprising: a first module (generally 51) in a housing (as defined by the periphery walls and outer surfaces including 91, 92, 75, 52, 73, 52, 79 etc.), and a second module (1), wherein the first module includes, an indicating device (407a – 407c) and an actuating device (406), at least one fastening portion (as defined by element #'s 268, 265a, 200, 264, 265b) disposed on a rear side of the first module (generally 51), the at least one fastening portion being configured to

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extend through a corresponding mounting opening (114, 113) in a mounting panel (92), the at least one fastening portion including at least one fastening element (205) configured to mount the first module (generally 51) on the mounting panel (92), the at least one fastening portion including an extension (200, 264, 265a, 265b), a first electrical connector device (200) disposed in the extension of the at least one fastening portion and configured to separably connect the first module (generally 51) to the second module (1, Column 33, Lines 44-48), a first mechanical connector device (268) disposed at the extension of the at least one fastening portion and configured to separably connect the first module to the second module (Column 33, Lines 23-27) and wherein the second module (1) includes, a second electrical connector device (38) configured to separably connect the second module to the first module (Column 3, Lines 44-48), and a second mechanical connector device (40) configured to separably connect the second module to the first module (Column 33, Lines 23-27).

With respect to claim 2, Ooka et al. teaches that the first module (generally 51) is an operator control module (as evidenced by the actuation device 406, and indicators 407a – 407c) and the second module (1) is a computer module (Column 33, Line 24).

With respect to claim 3, Ooka et al. further teaches that the first module further includes at least one element (106b, 106a) disposed on a rear side of the housing in a region of the at least one fastening portion and configured to provide a splash-proof seal (inherently) between the housing (member 79) and the mounting panel (92).

With respect to claim 6, Ooka et al. further teaches a latching slide (40 – element 268 is capable of sliding into and out of the opening 40) and wherein a first mechanical

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connector device (268) includes a first latch device (as defined by the sloped end portion) and the second mechanical connector device (40) includes a second latch device configured to cooperate with the first latch device so as to lock without tools and be unlocked by actuating the latching slide (Column 33, Lines 23-27)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ooka et al. in view of Stahl (Patent # 6,460,772). Ooka teaches all the limitations as applied above to claim 1, but fails to teach the use of a third mechanical and electrical connector to a further electronic module.

Stahl teaches the use of a computer (56) including a third mechanical and electrical connector device (54) disposed on a side away from the first module (Ooka et al.: generally 51) being configured for mechanical and electrical coupling for connecting a further electronic module (20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the second module of Ooka with the third connector of Stahl as a means to reliably store more information without compromising the integrity of the data. (Column 1, Lines 27-31).

***Allowable Subject Matter***

6. Claims 4,5,7-14,16-19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: With respect to claim 4, Ooka et al. teaches the use of the sealing element as disclosed in claim 3 above, but fails to teach that such a sealing element is made of elastic material, therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claim 5, Ooka et al. teaches the use of a fastening element as disclosed above in claim 1, but fails to teach the use of a fastening ring, therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claim 7, Ooka et al. teaches all the limitations as disclosed in claim 6, but fails to teach that the first latch device include an L-shaped latching nose, or that the latching slide be longitudinally movable, therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claim 8, Ooka et al. teaches all the limitations as disclosed in claim 6, but fails to teach to teaches that the first mechanical connector device include an L-shaped latching nose, or that the latching slide includes at least one ejection slope configured to cooperate with the L-shaped latching nose, therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claim 9, Ooka et al. teaches all the limitations as disclosed in claim 6, but fails to teach that the latching slide includes a gripping recess for receiving a pin-like tool so as to operate the latching slide. Therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claim 10, Ooka et al. teaches all the limitations as disclosed in claim 6, but fails to teach that the latching slide has a at least one inclined ejection slope. Therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claims 11-13, Ooka et al. teaches all the limitations as disclosed in claim 1, and additionally teaches that the display is a light-emitting indicator, but fails to teach that the actuating device includes a data input device including either a keypad keys or a sensor. Therefore claims 11-13 as recited are deemed to be allowable subject matter.

With respect to claim 14, Ooka et al. teaches all the limitations as disclosed in claim 1 above, but fails to teach that the second mechanical connector device include a mounting rail fastening device and consequently further fails to teach the other limitations regarding the mounting rail. Therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claim 16, Ooka et al. teaches all the limitations as disclosed in claim 1 above, but fails to teach that the indicating device includes a display. Ooka et al. further fails to teach that the actuating device include a data input device, or that the second module is a computer module included in control electronics, control and



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switching functions being input-able and programmable by a user using the data input device and the display as a menu-driven user interface. Therefore the claimed combination as recited is deemed to be allowable subject matter.

With respect to claims 17-19, Ooka et al. teaches all the limitations as disclosed in claim 1 above, but fails to teach that the first and second modules are included in an electronic control unit. Ooka et al. further fails to teach the use of a biometric scanner or the method by which a control command is issued.

With respect to claim 18, Ooka et al. further fails to teach that the biometric scanner is a finger scanner.

With respect to claim 19, Ooka et al. further fails to teach that the control command includes at least one of a switching, an enabling, and a disabling command.

Therefore the combinations as recited in claims 17-19 are deemed to be allowable subject matter.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZMP

ANATOLY VORTMAN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal flourish extending to the right.